

UNITED STATES DISTRICT COURT
for the
DISTRICT OF MASSACHUSETTS

PAUL T. PAPADAKIS,
Plaintiff,

v.

CSX TRANSPORTATION, INC.,
Defendant.

C.A. No.: 04-30189-MAP

AFFIDAVIT OF VALERIE A. MURPHY, ESQ.

I, Valerie A. Murphy, of Boston, Massachusetts, do hereby swear and depose as follows:

1. I am an attorney duly licensed to practice law in the Commonwealth of Massachusetts and the United States District Court for the District of Massachusetts.
2. I represent the defendant, CSX Transportation, Inc., ("CSX"), in the above-captioned matter, which is pending in the United States District Court of Massachusetts.
3. I have conferred or attempted to confer with the plaintiff in an effort to resolve the dispute without court action, to no avail.
4. The plaintiff's counsel requested surveillance information after the plaintiff's deposition.
5. There were numerous discussions regarding the discoverability of surveillance materials, including a formal discovery conference November 28, 2005, but the issue could not be settled.

Signed under the pains and penalties of perjury this 28th day of November, 2005.

/s/Valerie A. Murphy
Valerie A. Murphy, Esq.